Canadian Intellectual Property Office
An Agency of Industry Canada

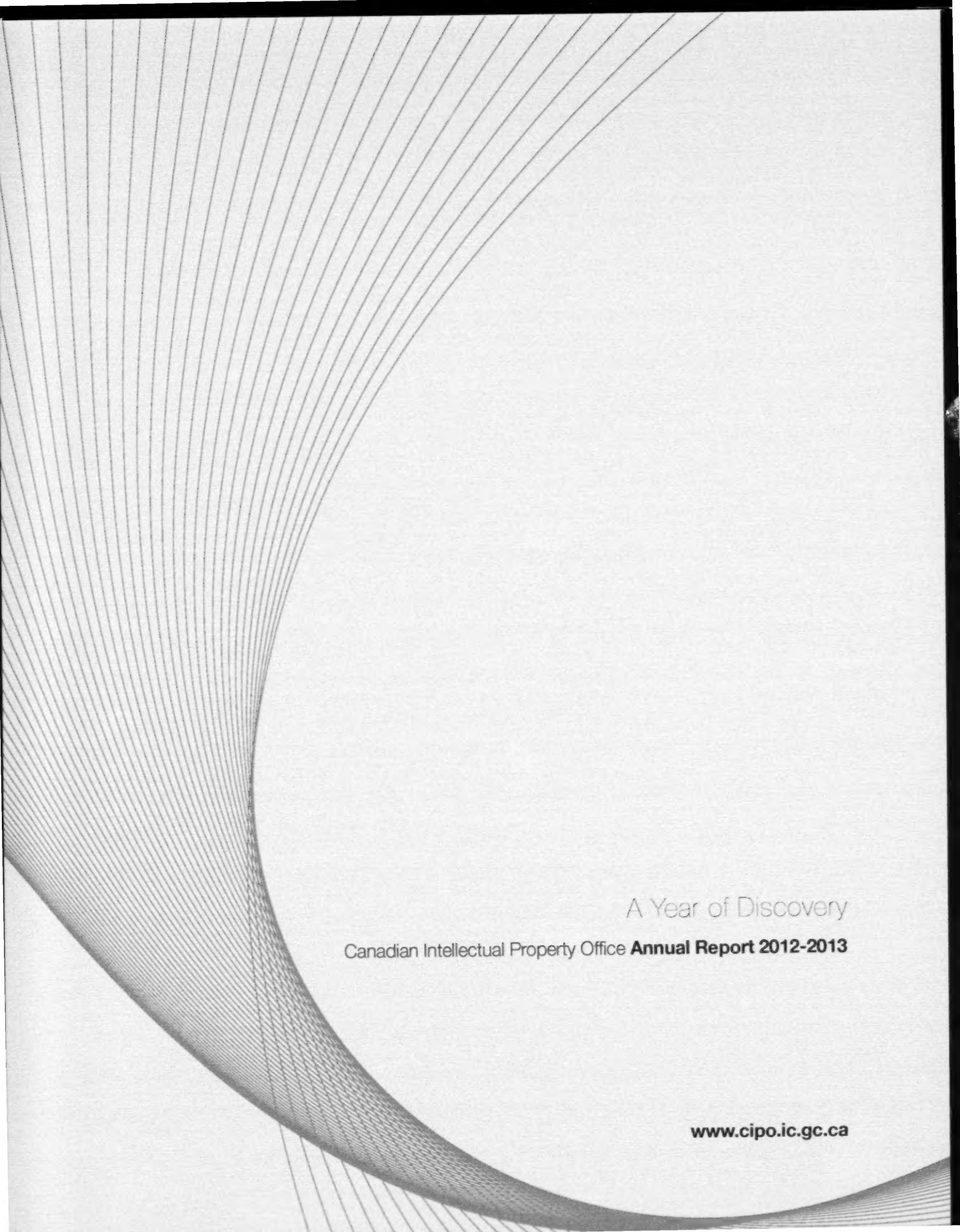
Office de la propriété intellectuelle du Canada
Un organisme d'Industrie Canada

CIPO Annual Report 2012-2013

A Year of Discovery

Canada

CIPO OPIC



A Year of Discovery

Canadian Intellectual Property Office **Annual Report 2012-2013**

www.cipo.ic.gc.ca

This publication is available upon request in accessible formats.

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About Us

The Canadian Intellectual Property Office (CIPO), a special operating agency of Industry Canada, is responsible for administering Canada's system of intellectual property (IP) rights:

- patents;
- trade-marks;
- copyrights;
- industrial designs; and
- integrated circuit topographies.

CIPO's primary clients are applicants for IP protection, agents representing those applicants, exploiters of IP systems, and the Canadian business community. Our self-funded status is an important factor guiding planning and operations. A reliance on the revenues that CIPO generates from its services reinforces its commitment to be effective, efficient and responsive to those seeking to establish IP rights. This commitment extends to all parties and stakeholders with an interest in our processes and activities.

Vision, Mission and Values

Vision

Our leadership and expertise in intellectual property supports creativity, enhances innovation, and contributes to economic success.

Mission

To contribute to Canada's innovation and economic success by:

- providing greater certainty in the marketplace through high-quality and timely IP rights;
- fostering and supporting invention and creativity through knowledge sharing;
- raising awareness to encourage innovators to better exploit IP;
- helping business compete globally through international cooperation and the promotion of Canada's IP interests; and
- administering Canada's IP system and office efficiently and effectively.

Values

As trusted partners in building an innovative Canadian economy

- We serve with excellence and efficiency in all that we do.
- We make timely and sound decisions on IP rights.
- We respect the perspectives of stakeholders while carrying out our regulatory function.

As proud employees of CIPO

- We perform our duties in a manner that preserves and builds on CIPO's good reputation and credibility.
- We work collaboratively.
- We act as ambassadors of IP.
- We are committed to continuous improvement and learning.

As an individual

- I respect my fellow employees.
- I value diversity.
- I appreciate the ideas and contributions of other employees.

Client Service Commitment

By telephone

- We answer your call with courtesy and efficiency and, if needed, refer you to the appropriate officer to deal with your enquiry in the official language of your choice.
- We record all voice mail greetings clearly in both official languages.
- We check voice messages at least once a day and return your call by the end of the next business day.

In person

- We greet you in the official language of your choice.
- We provide you with access to an information officer at the Client Service Centre to deal with your enquiry within 10 minutes.
- We make IP specialists available to you by appointment.

General mail, email and fax enquiries

- We correspond with you in the official language of your choice.
- We acknowledge general correspondence, email and fax requests within two working days.

If you wish to formally register feedback concerning any of the products and services offered by CIPO, please use our online feedback mechanism by selecting the Contact Us button located on the CIPO website.

How to reach us

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Message from the CEO

I am pleased to present the *CIPO Annual Report 2012–2013*. It represents the first such report since the release of the Business Strategy, which was launched in 2012 with a five-year horizon. Overall, we have had a very good first year.

2012–2013 was a period of discovery, as the Canadian Intellectual Property Office (CIPO) embarked on the ambitious path articulated in our vision: *Our leadership and expertise in intellectual property supports creativity, enhances innovation, and contributes to economic success.* The foundation to deliver on this vision is now soundly established.

This vision signalled the convergence of some critical realities.

- Economic prosperity in a global economy is driven by new ideas and knowledge-based industries. The value of many Canadian firms increasingly depends on their intangible assets, including patents, trade-marks, copyrights and industrial designs.
- Intellectual property rights encourage new knowledge and innovation. CIPO has a key role to play in supporting the government's overall agenda of improving Canada's growth and enhancing our economic competitiveness.
- What we do – and more importantly how we do it – directly supports innovators. The speed, quality, efficiency and effectiveness of the administration of Canada's IP system can determine whether or not ideas are successfully commercialized and brought to market.

We have had the great opportunity to meet with innovators – our customers – across Canada. This has helped us to understand their needs and expectations, and the barriers our customers face in effectively using and leveraging IP to support their business goals. Insights into the requirements of innovators and the innovation cycle in which they operate are now driving priorities and performance goals at CIPO.

We have also engaged other key players in the innovation cycle: universities, colleges, incubators and accelerators. This assists CIPO in more fully comprehending their particular needs and what role we can play in supporting the commercialization of ideas.

Many of the themes raised by those with whom CIPO has met with were echoed by a parliamentary committee that heard from over 50 expert witnesses for its report on the IP regime in Canada. Recommendations specific to our business centred on the need for quality, timeliness, reduced red tape and support for international business activity. The recommendations included awareness and outreach efforts to enable innovators to make better informed decisions about where and when to file, and what options are available to them.

Over the past year, I was equally impressed by the level of personal commitment CIPO employees have for the vision and the values we espouse. They are trusted partners who build an innovative Canadian economy, proud employees of CIPO, as well as individuals who value diversity by showing respect for each other and customers.

This discovery year confirms the path we have taken. While we have learned a lot, we have also accomplished a lot.

SYLVAIN LAPORTE
Commissioner of Patents,
Registrar of Trade-marks
and Chief Executive Officer

Introduction

This report describes the results achieved in fiscal year 2012–2013, the first year of the *CIPO Business Strategy 2012–2017*. The business strategy describes six pillars and the expected benefits to be achieved within these areas of focus. Internal plans highlight in greater detail the activities to be carried out during the year beneath each of the pillars.

The 2012–2013 period was very ambitious. Under the six pillars, 24 objectives were defined. At the outset of the fiscal year, approximately 150 separate activities were identified in order to satisfy the objectives. These efforts were made in addition to the ongoing operational work of the Canadian Intellectual Property Office (CIPO) product lines.

As information was acquired and activities were successfully launched, CIPO was able to confirm the direction that was established in the business strategy. In addition, as CIPO learned more about its clients, activities were adjusted and the organization's focus was sharpened. This helped to more effectively meet client needs. The following sections describe in greater detail the successes achieved throughout 2012–2013.

Pillar Achievements

Customers Pillar

Objective: ***Improve understanding of customers to support competitiveness, innovation and inform policy.***

The customer-centric focus of *CIPO Business Strategy 2012–2017* recognizes the need for Canada's intellectual property (IP) office to gain a better understanding of its customers – IP owners and Canadian innovators. This focus ensures that the IP system supports innovation in Canada.

To this end, the Canadian Intellectual Property Office (CIPO) conducted three waves of roundtable discussions in 2012–2013, targeting small and medium-sized enterprises (SMEs) across the country. The objective of these roundtables was to gain an understanding of the needs and behaviours of Canadian SMEs before and during the patent and trade-mark application processes. In total, 198 SMEs participated in 38 sessions held in cities across Canada.

Objective: ***Improve two-way communications with customers to improve service delivery.***

A common theme expressed by SMEs was the need for CIPO to renew its website and provide targeted, business-friendly IP information. CIPO launched a web renewal project that built upon roundtable input. CIPO also contributed to Industry Canada's web renewal project, which was already underway, by overseeing the inclusion of IP-related information. Finally, foundational work required to launch a CIPO Twitter account was conducted. Twitter should prove to be an excellent medium for two-way communication with clients. This popular social media platform will provide an accessible, convenient way to interact with Canada's IP office, and for the office to share important information directly with Canadian innovators.

CIPO continued to respond to enquiries for IP information from clients including educators, innovators, IP professionals and the general public. Our Client Service Centre (CSC) is the focal point of contact for the public within CIPO. Through the CSC,

the organization answered approximately 70,000 general information and documentation requests on subjects such as filing procedures and costs, and the status of applications and registrations.

CSC staff also provided guidance to clients searching IP databases or navigating the organization's website. These services were delivered via CIPO's toll-free line, by mail or email, and in person at CIPO headquarters.

To ensure timely service, client satisfaction and operational efficiency, service standards for meeting targets related to the processing of client enquiries and the content and quality of responses were provided. Service delivery turnaround times were successfully met 95 percent of the time, increased from 90 percent, reflecting an improved level of service for customers.

Objective: Undertake targeted outreach.

With respect to targeted outreach efforts, CIPO presented IP case studies and IP information sessions. IP case studies are teaching tools for colleges and universities designed to demonstrate the strategic value of IP to students, while IP information sessions are delivered to SMEs and post-secondary institutions through a collaborative effort by CIPO and the Intellectual Property Institute of Canada (IPIC). In 2012–2013, 108 IP case studies were delivered to students, and in collaboration with IPIC, 322 IP information sessions were conducted to the business and post-secondary communities across Canada.

Access to Innovative Knowledge Pillar

Objective: ***Provide accessible, trusted and relevant information that aids inventors throughout the innovation process.***

During 2012–2013, CIPO began to build a foundation to make innovative knowledge easier to access and more readily available throughout the innovation cycle. Feedback from roundtable sessions with stakeholders and other sources was analyzed and CIPO also conducted an analysis of its data holdings.

Trade-mark data was shared with the World Intellectual Property Organization (WIPO) for inclusion in the Global Brand database. This initiative made it easier for customers and IP agents to find Canadian registrations in international searches. Industrial design data was converted to the internationally accepted standard for exchange to be shared with WIPO. These cooperative efforts have provided greater visibility for Canadian IP and will facilitate the efforts of Canadians doing business globally.

By leveraging the work conducted through the Customers Pillar, CIPO will continue to strengthen its understanding of who uses IP information and how that information is used in order to better provide customers access to innovative knowledge.

Objective: ***Provide accessible, trusted and relevant information that provides robust evidence in support of policy development and decision making.***

CIPO developed a prototype IP Analytics report in the area of nanotechnology, which was well received by industry experts. CIPO will continue to develop IP Analytics capabilities and explore opportunities to partner with other federal agencies and intermediaries to support Canadian innovation. This analysis supports the organization's strategic objective of providing relevant IP information to aid inventors and decision-makers in both the business and policy fields.

Modern IP Framework Pillar

Objective: ***Create an efficient, effective administrative and regulatory framework that supports the acquisition of quality rights in a timely fashion with a commitment to continually reduce red tape.***

Throughout 2012–2013, CIPO continued its review of the IP framework. Our objectives were to:

- increase administrative simplicity;
- reduce time, costs and red tape; and
- align the framework with its international counterparts.

The review coincided with the work of the House of Commons Standing Committee on Industry, Science and Technology (INDU). In May 2012, INDU began hearings on the role of IP in Canadian innovation and leading-edge technology. The committee heard from more than 50 witnesses. One of the witnesses was the CEO of CIPO, Sylvain Laporte, who appeared before the committee to discuss Canada's IP regime and its administration. He also provided an update on several key CIPO initiatives.

INDU released its final report on March 18, 2013. Many of its recommendations focused on the work that CIPO does to support an innovative economy, namely:

- granting high-quality and timely IP rights;
- providing innovators with the information they need to succeed; and
- developing an IP framework that supports innovation, increases certainty and reduces red tape.

The overall goal is to modernize Canada's IP framework in the coming years to better reflect modern business practices. Over 2012–2013, two regulatory packages (Final Action and Agent Exams) were published in *Canada Gazette*, Part I, and were being finalized for publication in *Canada Gazette*, Part II, after which they will come into force.

Objective: ***Expand international cooperation to help Canadians compete globally and make Canada a destination for investment.***

The strength and quality of our international collaboration also play a role in supporting elements of certainty, quality, timeliness and business success. In this regard, CIPO has continued its efforts to advance relationships with several intellectual property offices (IPOs) from other countries.

To this end, an international roadmap was developed to guide CIPO as it works toward expanded international cooperation to help meet the needs of Canadian businesses. The activities in the roadmap will result in mutually beneficial actions such as examiner exchanges, the sharing of information technologies, and training practices. They will also result in the extension and creation of Patent Prosecution Highway (PPH) pilot project agreements to reduce examination workload and improve patent quality. The PPH is an initiative that allows examiners to prioritize patent applications under certain conditions.

The Patent Branch collaborated with global IPOs in the development of international patent work-sharing initiatives to accelerate patent examination. This work also contributed to improving Canada's global prominence in the IP domain while meeting international obligations.

In January 2013, a two-year Patent Cooperation Treaty–Patent Prosecution Highway (PCT-PPH) pilot agreement with the United States Patent and Trademark Office was implemented. It augmented the existing indeterminate PPH agreement with the United States and PPH pilot agreements with Denmark, Finland, Germany, Israel, Japan, Korea, Spain and the United Kingdom.

In March 2013, following the Federal Court of Appeal's *Amazon.com*[1] decision, the guidance for patent examination practices respecting computer-implemented inventions was approved. This will result in more efficient, predictable and reproducible examination of applications for the benefit of both patent examiners and the patenting public.

[1]The *Amazon.com* decision is a decision by the Federal Court of Appeal to allow a patent application filed by *Amazon.com*. See Amazon.com, Inc. v. Canada (Attorney General), 2010 FC 1011.
Federal Courts Reports - [2010] 4 F.C.R. 541

Highly Skilled Workforce Pillar

Objective: Attract and retain the most qualified people.

Several key activities were initiated over 2012–2013 to attract, retain and develop a highly skilled workforce. CIPO began to identify key competencies with the objective of building capacity and attracting the most qualified people to the organization. The competencies are worded in such a manner that they can be observed, measured and rated. They explicitly define the expected knowledge and capabilities required for the various key roles at CIPO, making it easier to hire people with the right skill set for the job, and also allowing employees to better prepare for roles.

Objective: Employees connect with and are guided by CIPO's values, mission and vision.

To support the commitment of having an engaged workforce that understands the innovation benefits of IP, CIPO developed and launched a redesigned Orientation Program to welcome new employees. CIPO has also developed a new IP awareness session for existing employees, thus ensuring they are guided by the organization's values, mission and vision.

The creation and growth of two employee-driven committees, CIPOconnex and the Employee Engagement Committee, enabled CIPO employees to take part in various activities within the organization. Changing the name from the Young Professionals Network to CIPOconnex helped to broaden the employee base of the network, and enabled more employees to participate. The Employee Engagement Committee conducted a survey soliciting employee input in helping define what engagement means within CIPO. This information was used to help develop an action plan centred on ways of increasing employee engagement.

Objective: Increase accountability at all levels by aligning individual performance goals with the business strategy.

The annual Employee Performance Management Agreement and Learning Plan exercises allowed CIPO employees to better understand and align their work with our business strategy. In a cascading process, Performance Management Agreements were created between our CEO, Sylvain Laporte, and each senior executive member. Similar agreements were made between senior executives and their managers, and then again between the managers and employees. This process resulted in strategic alignment and accountability across the organization, and also highlighted the need for a shared responsibility to ensure the success of the business strategy.

Objective: CIPO remains a learning-based organization.

In support of the business strategy, CIPO conducted extensive training in change leadership to build capacity across all levels of the organization. This included the establishment of a Change Leadership Centre of Expertise that assists in managing and leading change initiatives.

CIPO also developed and piloted an Integrated Talent Management initiative for executives and managers at the EX and EX-minus-1 levels. The initiative will help CIPO become a learning-based organization that knows the strengths and developmental needs of its people. This initiative is still in pilot mode and is continually refreshed as feedback is received.

The Integrated Talent Management initiative will be aligned with the new Performance Management Directive as it is gradually implemented in the rest of the organization. These measures serve to guide and inspire employees in identifying their learning and development needs.

Collections of courses called Learning Blocks have also been created to guide employees with their learning requirements. The following Learning Blocks have been established: Mandatory Training, Essential Training and Branch-Specific Training. The courses within each block are based upon an individual's position within CIPO, and involve branch heads, directors, managers, supervisors and individual employees.

In addition to these activities, the results of the 2011 Public Service Employee Survey revealed strengths and areas of improvement in people management at CIPO. These elements formed part of an action plan centred on:

- career development;
- recognition;
- leadership and competence;
- quality of work; and
- information sharing.

The action plan is monitored, reported on and shared with employees on a quarterly basis.

Responsive IT Infrastructure Pillar

Objectives: ***Modernize the CIPO information technology (IT) portfolio through the on-time, on-budget and on-scope delivery of projects.***

Achieve operational cost and process efficiencies.

In 2012–2013, CIPO put a great deal of effort into modernizing its online capability. To that end, a new e-service was launched that lets CIPO clients view their payment interaction history online. The e-service included the implementation of an electronic bill payment system allowing deposit account holders to replenish their accounts via online banking accounts with Canadian banks.

CIPO also implemented a new system that lets clients order or renew IP data product subscriptions online.

E-filing enhancement projects have been initiated for all principal business lines: Copyrights, Industrial Designs, Trade-marks, and Patents. These e-services respond directly to client demands for new or improved services, and move CIPO towards being able to provide end-to-end IP services online.

As well as responding to client needs, the new e-services transaction applications have led to cost savings through the reduction of credit card processing fees and employee effort. There is no longer a requirement to process payments manually.

Objective: ***Respond to client needs by improving the functionality of systems for both external clients and employees.***

In addition to the efforts directed at improving the CIPO online experience, focus was placed on conducting key strategic planning activities for the IT Modernization Program. This resulted in a future state vision and the identification of major projects to be delivered over multiple years.

CIPO also performed evaluations of specific international and federal government standardized software applications. These applications will be used for the processing of IP rights in order to identify best practices and the potential for the adoption of standardized technology.

Operational Excellence Pillar

Objectives: ***Cultivate a process-based organization that thrives on continuous improvement and adding value for customers.***

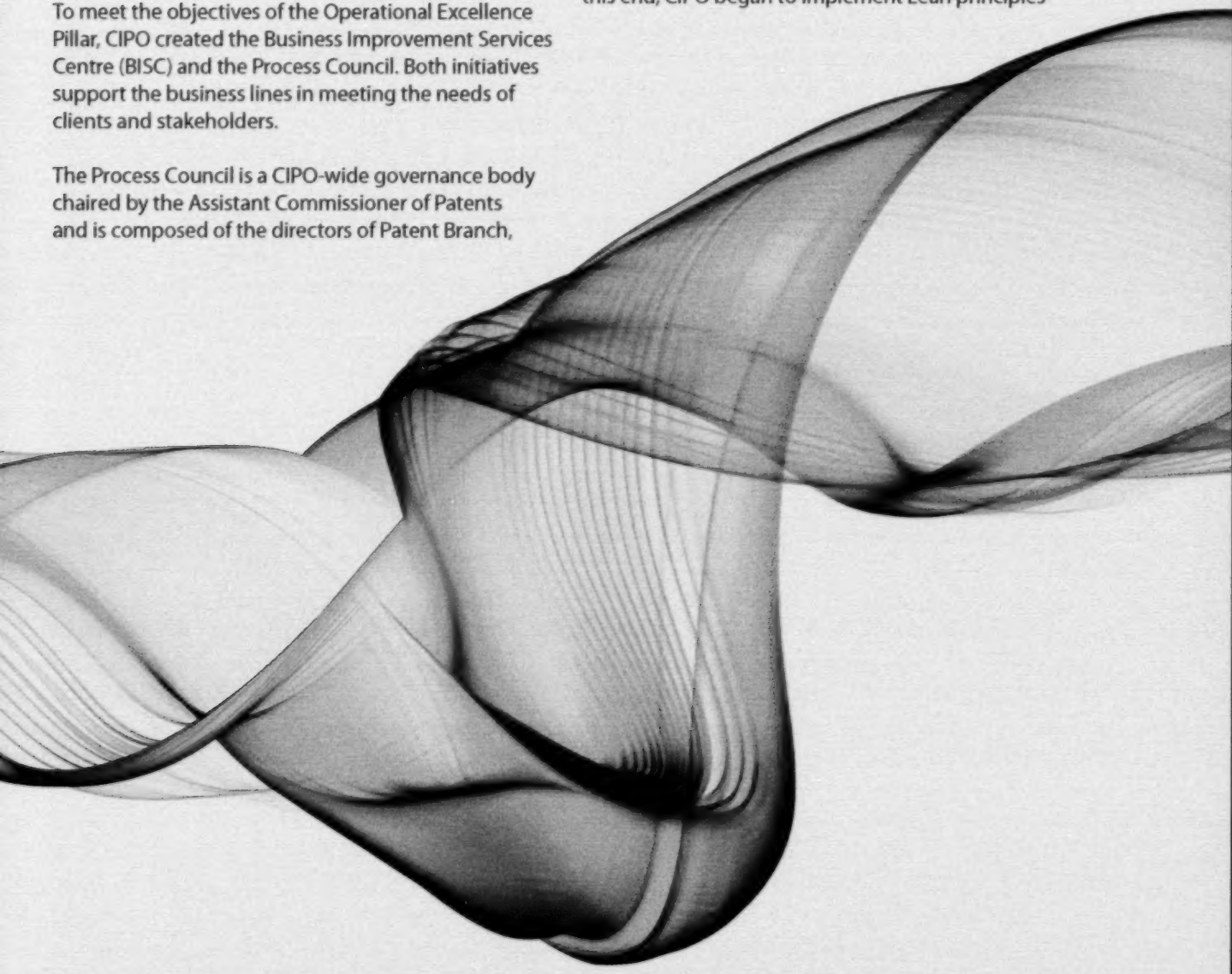
Ensure employees have the tools, knowledge and performance information to manage the processes for which they are accountable.

To meet the objectives of the Operational Excellence Pillar, CIPO created the Business Improvement Services Centre (BISC) and the Process Council. Both initiatives support the business lines in meeting the needs of clients and stakeholders.

The Process Council is a CIPO-wide governance body chaired by the Assistant Commissioner of Patents and is composed of the directors of Patent Branch, Trade-marks Branch, Copyright and Industrial Design Branch, BISC, and Finance and Administration Directorate. The Council's role is to oversee process improvement initiatives from proposal to successful implementation.

BISC is a unit within CIPO's Corporate Strategies and Services Branch. It supports improvement activities by delivering expertise in process improvement, activity-based management, business analysis and performance measurement.

In order to accomplish process improvements, CIPO took steps to evaluate and adopt best practices. To this end, CIPO began to implement Lean principles



and methods with the intent to identify and apply the most efficient, value-added way to provide services. As part of the Lean methodology, activities were used to bring together cross-functional teams to evaluate the following three core processes:

- apply to receive a grant of patent;
- apply to register a trade-mark; and
- apply to register an industrial design.

These activities focused on identifying the sources of non-value-added activity and prioritizing possible improvement activities.

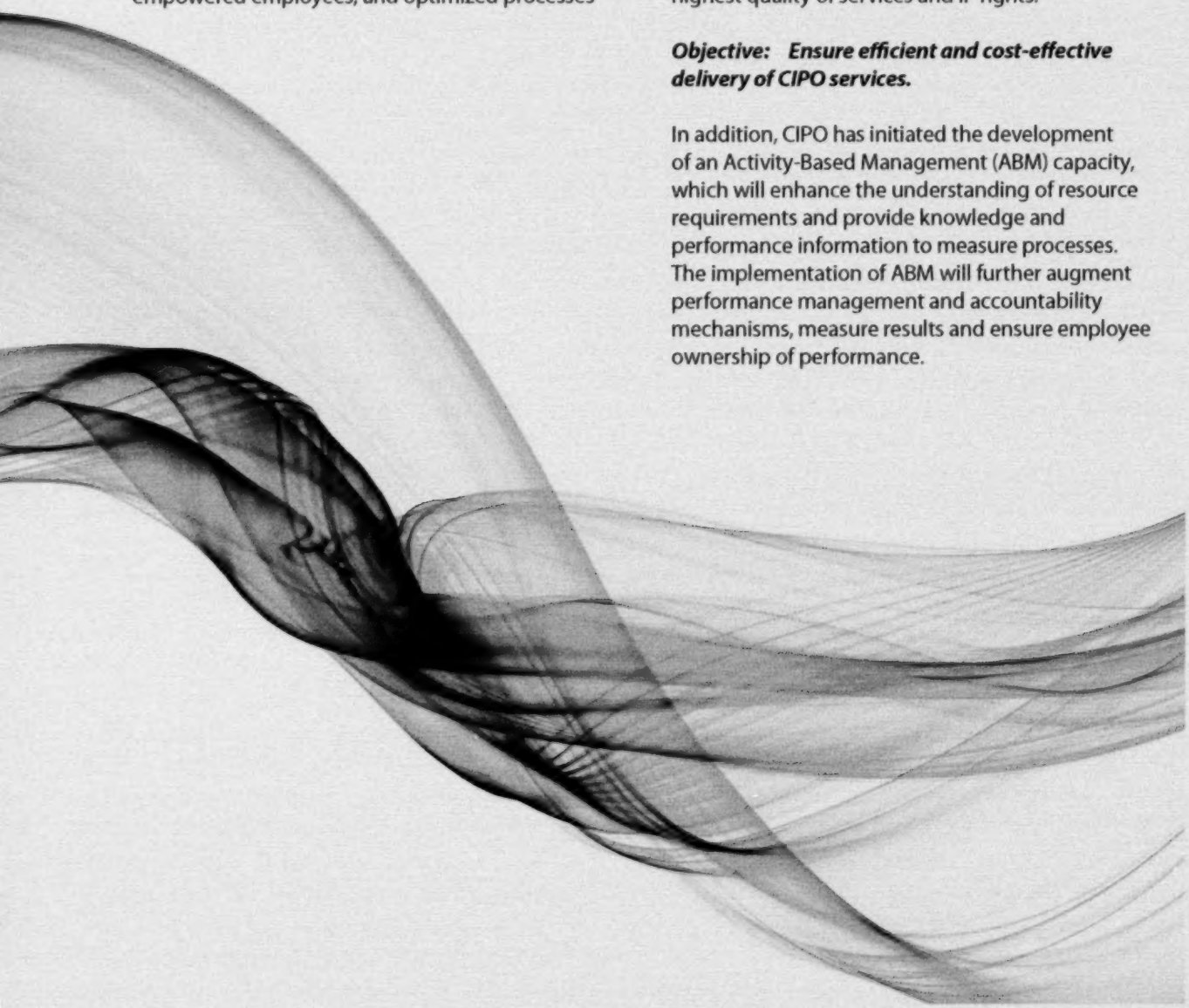
The Lean activities that were conducted engaged and empowered employees, and optimized processes in order to provide quality IP rights in a timely, cost-effective manner. Initial results were well received and improvements were initiated in all core processes in order to support the business lines in meeting their performance targets.

Objective: Improve quality and timeliness.

CIPO began an internal evaluation to introduce an organizational Quality Management System (QMS) to identify the elements required to become a process-based organization. An enterprise-wide QMS will ensure the standardization of CIPO processes, thereby ensuring that all customers receive the highest quality of services and IP rights.

Objective: Ensure efficient and cost-effective delivery of CIPO services.

In addition, CIPO has initiated the development of an Activity-Based Management (ABM) capacity, which will enhance the understanding of resource requirements and provide knowledge and performance information to measure processes. The implementation of ABM will further augment performance management and accountability mechanisms, measure results and ensure employee ownership of performance.



Product Line Performance Achievements

In 2012–2013, each of the Canadian Intellectual Property Office (CIPO) product lines was challenged with decreasing overall turnaround time (TAT) for issuing intellectual property (IP) rights, as well as decreasing inventory levels.

Three common requirements emerged. First, it is necessary to evaluate and improve production processes. Second, CIPO must ensure that policies, procedures and legislation are updated and aligned with international standards to provide a more modern framework in which to grant IP rights. Finally, IT platforms require extensive updating and harmonizing.

These common requirements dovetailed with the strategic pillars to enable the product lines to achieve their intended goals. The following summaries represent the achievements made by the product lines.

Patent Branch

In 2012–2013, the Patent Branch's achievements included a reduction of overall TAT by 2.7 months (reaching 45.7 months at year end) and reduction of inventory by 6,218 (from 85,993 to 79,775). During the year, efforts included the strategic use of overtime, improved production modelling, Lean pilot projects and training sessions.

Trade-marks Branch

The Trade-marks Branch achieved a modest reduction in TAT from 27.1 months at the start of the fiscal year, to 27.0 months at the end of the fiscal year. The branch conducted its first process improvement events in November and December 2012. The changes recommended by employees improved the flow of files being examined based on the first-in-first-out principle, and also improved the lead time for the examination process.

Copyright and Industrial Design Branch

The Copyright and Industrial Design Branch received a record number of industrial design applications in 2012–2013: 5,377. This was a 2.5-percent increase from the previous year with a 7-percent increase in domestic filings. As a result, TAT increased slightly from 9.5 months at the beginning of 2012–2013 to 9.6 months at year end.

Patent Appeal Board

For 2012–2013, the Patent Appeal Board focused on reducing the number of cases that have been pending for more than 48 months by 75 percent. The branch also set out to reduce overall inventory to 48 cases at most. Both goals were achieved.

Trade-marks Opposition Board

The goal of the Trade-marks Opposition Board for 2012–2013 was to reduce the inventory of cases pending since before 2007 from 183 to 62. This goal was exceeded. As of March 31, only 31 cases were pending since before 2007.

Client Service Standards

In addition to the preceding improvements in performance, CIPO also successfully achieved its defined client-service standards on average 90 percent of the time. Detailed descriptions of the client services and the established standards are available on the CIPO website.

A Year of Discovery

The Canadian Intellectual Property Office (CIPO) has learned a great deal this past year based on the success achieved through the implementation of the *CIPO Business Strategy 2012–2017.*

The roundtable discussions held with small and medium-sized enterprises across the country provided CIPO with significant information pertaining to its customers. As a result, many activities were initiated to address customer needs. Going forward, CIPO will deepen its commitment to supporting customers and business success. This will be achieved by continuing to connect with customers and those in the innovation cycle to ensure CIPO remains responsive to evolving business requirements.

Efforts to modernize the regulatory framework, reduce red tape, become more responsive to customers, and better reflect modern business practices were a priority throughout 2012–2013. The following initiatives were evidence of this:

- participation in the House of Commons Standing Committee on Industry, Science and Technology (INDU);
- continued review of the IP framework;
- development of an international roadmap;
- collaboration with other intellectual property offices; and
- implementation of a Patent Cooperation Treaty–Patent Prosecution Highway pilot agreement with the United States Patent and Trademark Office.

Modernizing the IP framework will remain a priority, and CIPO will work cooperatively with other government departments to support the proposed legislation entitled Combating Counterfeit Products Act. On the international stage, CIPO will continue improving its alignment to international IP systems and practices.

CIPO places a high degree of value on its exceptional workforce. This can be seen in the following initiatives:

- new orientation program;
- IP awareness sessions;
- extensive training opportunities;
- development of Learning Blocks designed to support employee career aspirations; and
- talent management program pilot.

CIPO will continue its commitment to its employees.

Work to modernize IT systems as well as the online experience for customers has begun in earnest. Activities and projects include:

- implementing an electronic bill payment system;
- providing agents with the ability to view their financial transaction history online; and
- evaluating Government of Canada and international solutions for the adoption of best practices.

This is a multi-year effort, and improvement can be expected to increase over time.

Several process-improvement activities were conducted to streamline work processes and identify areas for change within the product lines. Significant results have been achieved with this initial effort, and it can be expected that many benefits will be realized as CIPO continues toward becoming a process-based organization.

Enabled by the successes achieved throughout the 2012–2013 fiscal year, CIPO product lines have made significant strides to reduce overall turnaround times and inventory levels. Future goals are ambitious. However, based on the success of this year and the enabling activities of the strategic plan, it is expected that these goals will be fully realized.

We are inspired by innovation and committed to success.

Acronyms

ABM	Activity-Based Management
BISC	Business Improvement Services Centre
CSC	Client Service Centre
CIPO	Canadian Intellectual Property Office
IP	Intellectual property
IPIC	Intellectual Property Institute of Canada
IPO	Intellectual property office
IT	Information technology
PCT	Patent Cooperation Treaty
PCT-PPH	Patent Cooperation Treaty–Patent Prosecution Highway
PPH	Patent Prosecution Highway
PSES	Public Service Employee Survey
QMS	Quality Management System
SMEs	Small and medium-sized enterprises
TAT	Turnaround time
USPTO	United States Patent and Trademark Office
WIPO	World Intellectual Property Organization

Additional information online

The following information is available on our website: www.cipo.ic.gc.ca/2012-2013.

Audited financial statements and additional financial information

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Senior executive management team and business development officers